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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,095	04/25/2000	Simon Antony James Holdsworth	.GB990104US1	9369

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IBM CORPORATION  
3039 CORNWALLIS RD.  
DEPT. T81 / B503, PO BOX 12195  
REASEARCH TRIANGLE PARK, NC 27709

EXAMINER
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TODD, GREGORY G

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/558,095

Applicant(s)

HOLDSWORTH ET AL.

Examiner

Gregory G Todd

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 9-12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is a fifth office action in response to applicant's amendment filed, 11 August 2004, of application filed, with the above serial number, on 25 April 2000 in which claim 9 has been amended. Claims 9-12 are therefore pending in the application.

### ***Claim Objections***

2. Claim 9 is objected to because of the following informalities: Applicants have amended the claim to include a "first topic", however, there is no instance of a second topic; Also, applicants use "a topic" in line 1 of page 3 which is not clear if the topic is the same as first topic. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al (hereinafter "Ogawa", 5,608,874).

Ogawa discloses a method and computer program product for publishing a data message on a first topic from a publisher application to a subscriber application via a broker, wherein Ogawa discloses:

selecting a specific publication point data processing node of the broker from amongst a plurality of such publication point data processing nodes, a publication point data processing node being an entry point data processing node of the broker, such entry point node being followed by a series of other data processing nodes where each node in the series carries out a specific data processing operation on the data message, where each publication point data processing node of said plurality of publication point data processing nodes is followed by a series of data processing nodes unique to the respective publication point data processing node (provider node sending to main processing section ComServer Host for translation and transmission to subscriber) (at least col. 8 line 51 - col. 10 line 42), and where the broker acts as an intermediary between the publisher application and the subscriber application, thus making it unnecessary for the publisher application and the subscriber application to know any details about each other because the broker uses a topic associated with a data message received from a publisher application in order to determine which message should be sent to which subscriber application by sending the message to the subscriber applications that have previously registered a subscription request for the topic (at least col. 15 line 1 - col. 16 line 53; col. 9, lines 7-37; pre-processor translating provider data files according to subscriber translation information), wherein the broker is a separate entity from the publisher application and subscriber application (at least col. 9, lines 23-37; main processing section parceled between provider and subscriber sections); and

communicating with the broker via the selected publication point data processing node, in order to publish the data message on the topic via the broker to subscriber applications that have previously registered a subscription request to the first topic, with the broker carrying out the data processing operation corresponding to the of data processing nodes unique to the selected publication point data processing node (data being sent from provider to subscriber via ComServer and PrepServer) (at least col. 10, lines 14-42), in order to process the data message in a different way depending on which publication point data processing node is selected even though each of the plurality of publication point data processing nodes are dedicated to the same topic (at least col. 15, lines 1-33; pre-processor directory used to determine which pre-processor is needed for translation for the particular provider).

Ogawa fails to *explicitly* teach providers/ publishers being dedicated to the same topic. However, Ogawa teaches the pre-processor and main processing section (broker) manipulating and translating data according to the provider and according to rules found using subscriber translation information. As such, the subscriber in Ogawa could get the same data from a different provider and not know it as long as the data is formatted and translated accordingly. In fact, Ogawa's system allows only one provider to be necessary, while the pre-processor and main processing section (broker) deciding the type of format to translate for the subscriber.

5. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa in view of McLaughlin (hereinafter "McLaughlin", 6,421,570).

Ogawa discloses a first publication point data processing node being followed by a message transformation node but does not explicitly disclose a second processing node not being followed by a message transformation node. However, the use and advantages for using such processing is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of McLaughlin (at least col. 6 line 47 - col. 7 line 27; Fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of McLaughlin's publish/subscribe system into Ogawa's broker conversion system because this would allow the subscriber to get the data they are subscribing to circumvent going through processing and translating if it is not necessary and thus avoid billing / charges and bottlenecking and consuming bandwidth for such services which are not needed and depending on subscriber preferences.

### ***Response to Arguments***

Applicant's arguments filed 11 August 2004 have been fully considered but they are not persuasive.

Applicants amendments to the claims have rendered examiner's rejection under McLaughlin to be withdrawn. However, examiner maintains rejection under Ogawa. Applicants argue Ogawa does not teach selecting one publication point from a plurality of such publication points dedicated to the same topic. However, Ogawa teaches the pre-processor and main processing section (broker) manipulating and translating data according to the provider and according to rules found using subscriber translation

information. As such, the subscriber in Ogawa could get the same data from a different provider and not know it as long as the data is formatted and translated accordingly. In fact, Ogawa's system allows only one provider to be necessary, while the pre-processor and main processing section (broker) deciding the type of format to translate for the subscriber.

### ***Conclusion***

6. Newly cited Reisman in addition to previously cited Navarre et al, Trenbeath et al, Schultz et al, Bracho et al, Bamforth et al, Bass et al ('266), Bolam et al, Bass et al ('956), Bhatt et al, and Holland are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd



Patent Examiner

Technology Center 2100



ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100